

ENTERED

January 08, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

MANUEL ROJAS,

Plaintiff,

VS.

VICENTE MARTINEZ, *et al*,

Defendants.

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CIVIL NO. 2:18-CV-238

ORDER

The Court is in receipt of the Memorandum and Recommendation (“M&R”), Dkt. No. 24, from the Magistrate Judge. No objections have been filed to the M&R.

The M&R recommends granting Defendant Vicente Martinez’s (“Martinez”) motion for summary judgment on qualified immunity grounds and dismissing Plaintiff Manuel Rojas’s (“Rojas”) retaliation claims. Dkt. No. 24. Rojas claimed Martinez retaliated against him by falsely accusing him of engaging in a sex act with a cellmate. Dkt. No. 1. Rojas did not oppose the motion for summary judgment. The Magistrate Judge concluded that the evidence does not show Martinez had the requisite retaliatory intent, and there was no documentary evidence of Rojas filing a complaint against Martinez to form the basis of a retaliation claim. Dkt. No. 24 at 10. After reviewing the briefing, evidence and relevant law the Court **ADOPTS** the M&R in its entirety, Dkt. No. 24, **GRANTS** Martinez’s motion for summary judgment and **DISMISSES** Rojas’s retaliation claims. The Court previously dismissed all other claims in this case, Dkt. No. 16, therefore Final Judgment will enter separately.

SIGNED this 8th day of January, 2021.



Hilda Tagle
Senior United States District Judge